



September 9, 2011

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Communication, ET Docket No. 04-186, ET Docket No. 02-380

Dear Ms. Dortch:

On September 8, Bruce Franca, Victor Tawil and the undersigned of the National Association of Broadcasters (NAB) met the following members of the Office of Engineering and Technology: Julius Knapp, Karen Ansari, Rashmi Doshi, Steve Jones, William Hurst, Ira Keltz, Geraldine Matise, Mark Neumann, Bruce Romano, Alan Stillwell, Hugh Van Tuyl and Robert Weller.

The purpose of the meeting was to discuss points raised in our Opposition to Petitions for Reconsideration in the above-captioned proceedings,¹ as well as the August 19 *Ex Parte* letter filed by Motorola Solutions, Inc. (Motorola) and the Wireless Internet Service Providers Association (WISPA). Specifically, we detailed NAB initiated and convened several with Motorola and WISPA to discuss two pending issues, (1) antenna height and (2) out-of-band emission limits.

NAB has offered a compromise solution for antenna heights.² We suggested that the rules be amended to increase the maximum Height Above Average Terrain from 76 meters to 250 meters while maintaining the 30 meter limit on antenna height above ground adopted in the Report and Order, with concomitant restrictions (including an increase in separation distances and a prohibition on serving Mode 1 devices). This would meet many of the concerns raised by the rural WISP community.

¹ See In the Matter of Unlicensed Operation in the TV Broadcast Bands, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, *Opposition to Petitions for Reconsideration*, National Association of Broadcasters and the Association for Maximum Service Television, ET Docket Nos. 04-186 and 02-380 (Feb. 24, 2011).

² *Id.* at 9-11.

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NAB also reiterated that out-of-band emission limits adopted in the rules should not be relaxed. The request is procedurally deficient, and there are no technical justifications to support such a change.³ It is important to note that several parties have already developed and built emission compliant equipment and one manufacturer has demonstrated such equipment to the Commission.

In their August 19 *Ex Parte* letter, Motorola and WISPA claim that that because fixed TV band devices are not allowed to operate on channels adjacent to TV services, there should be no additional interference concerns.⁴ Further, they argue that because there are no changes to second adjacent channel interference levels relative to the current rules, claims of new interference are without merit. This line of argument, however, is simply not rooted in fact.

Relaxing the spectral mask and allowing more power in the first adjacent channel will in practice allow more power in the second adjacent and increase the probability that interference is caused to TV receivers and licensed wireless microphones. The potential for real world interference situation is great. In addition, relaxing the mask will further limit the use of adjacent channels for licensed wireless microphones. The FCC has suggested that this prohibition on fixed TVBDs to use adjacent channels is how broadcasters can meet their wireless electronic newsgathering and low power auxiliary devices use under Part 74 of the FCC rules

Finally, NAB expressed our willingness to meet with Commission staff and all relevant stakeholders to explore potential solutions on these remaining issues.

³ *Id.* at 3-8.

⁴ See *Ex Parte* Letter from Motorola and WISPA, ET Docket Nos. 04-186, 02-380, filed Aug. 19, 2011 at 2.

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Please direct any questions regarding these matters to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ann West Bobeck". The signature is stylized, with a large, looped initial "A" and a cursive-style name.

Ann West Bobeck
Senior VP and Deputy General Counsel
Legal and Regulatory Affairs

cc: Julius Knapp, Karen Ansari, Rashmi Doshi, Steve Jones, William Hurst, Ira Keltz,
Geraldine Matise, Mark Neumann, Bruce Romano, Alan Stillwell, Hugh Van Tuyl,
Robert Weller